

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No: 05-11652-WGY

NOTICE OF INTENT TO USE TESTIMONY OF WITNESSES

Plaintiff John D. Cerqueira, pursuant to Local Rule 43.1(B)(2), respectfully submits this Notice of Intent to Use Testimony of Witnesses. Plaintiff intends to call Trooper Daniel Sullivan as a rebuttal witness on January 10, 2007. Until today, Trooper Sullivan was on the Defendant's witness list, and the Plaintiff intended to cross examine him. However, because it now appears from Defendant's Bench Memorandum that the Defendant has decided not to call Trooper Sullivan as part of its case-in-chief, the Plaintiff will call Trooper Sullivan as a rebuttal witness.

Respectfully submitted,
JOHN D. CERQUEIRA,

By his attorneys,

/s/ David S. Godkin
David S. Godkin (BBO #196530)
Darleen F. Cantelo (BBO#661733)
Birnbaum & Godkin, LLP
280 Summer Street
Boston, MA 02210
617-307-6100

CERTIFICATE OF SERVICE

I, David S. Godkin, Esq., hereby certify that a true and correct copy of the foregoing document was delivered to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent those indicated as non-registered participants on January 9, 2007.

/s/ David S. Godkin
David S. Godkin

Michael T. Kirkpatrick, Esq.
Public Citizen Litigation Group
1600 20th Street, NW
Washington, DC 20009
(202) 588-1000

ATTORNEYS FOR PLAINTIFF